Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

I.   Claim Rejections - 35 USC § 103

Claims 1-33 stand rejected under 35 USC §103(a) as being unpatentable over *Findikli et al.* (U.S. Pat No. 6,529,727) in view of *Lipsit* (U.S. 5,956,636), *Beyda* (U.S. Pat . No. 7,133,695), *Rosenberg et al.* (U.S. Pat. No. 6,628,934) and/or *Natsuno* (U.S. Pat. Pub. No. 2005/0148367). Withdrawal of the rejections is respectfully requested for at least the following reasons.

Claim 9 sets forth a method for maintaining configuration data on a server coupled to a network, the method including, inter alia, ***the server providing***, via the network, the different configuration data ***to the different mobile devices***, respectively, *the configuration data defining a **user specified operational characteristic** of each of the plurality of mobile devices.*

The Examiner admits that *Findkili* fails to teach that the configuration data defines a user specified operational characteristic of each of the plurality of mobile devices, but contends such feature is disclosed by *Lipsit at* column 4, lines 50-65 and column 8, lines 40-63. Applicants respectfully disagree.

1.   Lipsit is not understood to teach providing configuration data to the mobile device

The system of *Lipsit* pertains to wireless devices that are ***preprogrammed***, and require ***no further configuration for activation***. More specifically, *Lipsit* expressly teaches that

> Each wireless device 30 is ***fully preprogrammed*** with, in the case of a cellular phone, all the NAM parameters or, in the case of other wireless communication devices, their functional equivalent, so that, when the wireless device is sent to the recipient by the wireless device supplier 32, ***no further programming of the wireless device 30 is required***. Col. 3, lns. 51-56, emphasis added.

If the wireless device according to *Lipsit* is fully programmed at the time it is shipped to the recipient such that no further programming is required, then, unless there is some express teaching in *Lipsit* that configuration data is provided to the device, *Lipsit* cannot teach *__the server providing__* the different configuration data *__to the different mobile devices__* as recited in claim 9.

Referring to the portions of *Lipsit* cited by the Examiner, column 4, lines 50-65 disclose that certain data is stored in a database. This data includes ESN, MIN and NAM parameters, security code, user password information, subscriber identification information, data to identify a level of service, billing information, etc. Nowhere in the cited, portion, however, is it disclosed that any of this data is provided *__to the wireless device__*. Instead, the data is used by the activation unit to grant access to the service provider's network. Since the wireless device is already *__pre-programmed__*, there is no need to transmit any data to it, nor is such transmission disclosed.

With respect to column 8, lines 40-63, this portion of *Lipsit* describes the operation of the activation unit, and how the activation unit interfaces with the wireless device so as to enable access to the network. In particular, the activation unit may request that the wireless device provide a security code (which is entered by the user and transmitted back to the activation device). However, nowhere in the cited portion is it disclosed that the activation unit (or other device) provides "configuration data" to the wireless device. Again, since the wireless device is *__pre-programmed__*, there is no reason to send configuration data from the activation unit (or other device) to the wireless device.

Accordingly, for at least this reason, *Lipsit* does not make up for the deficiencies of *Findikli*.

> **2.** **The data stored in the database does not define user specified operational characteristic data**

Even if the Examiner somehow interprets the data stored in database 44a is communicated to the wireless device, such data is not user specified operational characteristic data as claimed. More specifically, *Lipsit* discloses that the data stored in the database 44a is the ESN, MIN, flag bit, NAM parameters, security code, user password information, subscriber identification information, data to identify level of service billing information, etc. With the exception of the user password information, it

is clear that the data stored in the database is not <u>user specified operational</u> <u>characteristic data</u>, but instead pertains to data used within the service provider's system to grant access to the network.

Regarding the user password information, there is no teaching in *Lipsit* that this information is "user specified". It is possible (and likely since there is no teaching of the user creating password data) that the password information is specified by the service provider and then provided to the user at a later time. Moreover, even if the user password information is specified by the user, such password information <u>does not</u> define an ***operational characteristic*** of the wireless device.

Findikli in view of *Lipsit* simply does not teach or fairly suggest the server providing, via the network, the different configuration data to the different mobile devices, respectively, the configuration data defining a user specified operational characteristic of each of the plurality of mobile devices, as recited in claim 9. The remaining art to *Beyda, Rosenberg* and/or *Natsuno* has not been found to make up for the deficiencies of *Findikli* and *Lipsit*. Similar comments are applicable to claims 1 and 14.

Accordingly, withdrawal of the rejection of claims 1, 9 and 14 is respectfully requested.

Claims 2-8, 10-13, 15-33 depend from claim 1, 9 or 14 and, therefore, can be distinguished from the cited art for at least the same reasons. Accordingly, withdrawal of the rejection of claims 2-8, 10-13, 15-33 is respectfully requested.

III.   Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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